

TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10702,194
Filing Date	November 4, 2003
First Named Inventor	Stephen Solomon et al.
Art Unit	3761
Examiner Name	Keisha L. Gibson
Attorney Docket Number	11973-003

ENCLOSURES (Check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form
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1 references |
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	PROSKAUER ROSE LLP		
Signature	<i>Tiffany Levato</i>		
Printed name	Tiffany A. Levato		
Date	May 16, 2006	Reg. No.	50,160

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Tiffany Levato</i>		
Typed or printed name	Tiffany A. Levato	Date	May 16, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

MAY 19 2006

TOTAL AMOUNT OF PAYMENT	180.00
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Application Number	10/702,194
Filing Date	November 4, 2003
First Named Inventor	Solomon et al.
Examiner Name	Keshia L. Gibson
Art Unit	3761
Attorney Docket No.	11973-003

03/22/2006 03:31 PM

In the Application of:

Group Art Unit: 3761

Examiner: Keshia GIBSON

For: FOOD EXTRACTION APPARATUS AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

01 FC:1806 180.00 DA
Sir:

The items identified in this IDS may or may not be “material” pursuant to 37 CFR §1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR §1.97(h)), or even qualifies as “prior art” under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the

merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was


known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.

Payment and/or Authorization to Charge Fees:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☒ Please charge \$180 to Deposit Account No. 16-2500 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Proskauer Rose LLP's Deposit Account No.16-2500.

Respectfully submitted,
Proskauer Rose LLP

By: 
Tiffany A. Levato

Reg. No. 50,160

Date: May 16, 2006

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PROSKAUER ROSE CUSTOMER NO: 21890



Form PTO-1449 (Rev. 6-98) U.S. Department of Commerce Patent and Trademark Office INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Attorney Docket No. 11973-003		Serial No. 10/702,194	
				Applicant SOLOMON ET AL.			
				Filing Date November 4, 2003		Group Art Unit 3761	
U.S. PATENT DOCUMENTS							
Examiner Initial	Document Number	Date	Name	Class	Sub Class	Translation	
FOREIGN PATENT DOCUMENTS							
Examiner Initial	Document Number	Date	Country	Class	Sub Class	Translation	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	Goldstein DJ., Beneficial health effects of modest weight loss, Int J Obes 1992 16:397-415.						
Examiner				Date Considered			
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP§60 : Draw line through citation if not in conformance and not considered, include copy of this form with next communication to the patent owner.							